## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

T-MOBILE USA, INC.

and

Case 01-CA-120503

## COMMUNICATIONS WORKERS OF AMERICA

## ORDER1

The Employer's petition to revoke subpoena duces tecum B-738847 is denied in part and granted in part. The petition is granted to the extent that the materials requested in paragraph 10 shall be limited to documents in the possession of the managers and supervisors at the Oakland, Maine facility, and the managers and supervisors who oversee that facility. In this regard, we find that the Region has failed adequately to articulate reasons for requesting documents from all of the Employer's managers and supervisors at all of its facilities.<sup>2</sup>

In all other respects, the petition to revoke the subpoena is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena.<sup>3</sup> See generally

<sup>&</sup>lt;sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>&</sup>lt;sup>2</sup> Our Order is without prejudice to the Region's right to issue a new subpoena seeking additional information if the information provided by the Employer under the instant subpoena, as limited, is insufficient to resolve the matters at issue and the Region can establish that a search from a wider set of managers is warranted.

<sup>&</sup>lt;sup>3</sup> In considering the petition to revoke, we have reviewed the subpoena as modified by the General Counsel in his opposition brief, in which he indicated that the request in subpoena paragraph 8 would be satisfied by records "from two of the five teams of

NLRB v. North Bay Plumbing, Inc., 102 F.3d 1005 (9th Cir. 1996); NLRB v. Carolina Food Processors, Inc., 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., July 8, 2014

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

NANCY SCHIFFER, MEMBER

coaches reporting to Team Managers, with one of the Teams being the one reporting to the Open Team Manager Position identified on TM00180." (Opposition, pp. 5-6.) We note that the Employer has agreed to produce the requested documents as so modified.